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March 31, 2022

The Honorable Paul G. Pinsky
Senate Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Testimony of FreeState Justice

IN FAVOR OF

HB 1380: Restoration of Honor Act

To the Honorable Chair Paul Pinsky, Vice Chair Cheryl Kagan, and esteemed members of the Education, Health, and Environmental Affairs Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community, including efforts to improve the conditions of LGBTQ+ veterans.

Today, we write for a favorable report on House Bill 1380, which would establish honorable discharge and associated rights, benefits, and privileges for dishonorably discharged LGBTQ+ veterans based on their sexual orientation or gender identity. This bill also requires the Secretary of Veteran Affairs to adopt regulations that prohibit discrimination based on sexual orientation or gender identity when determining if an individual qualifies as honorably discharged or not.

There are an estimated 1 million LGBTQ+ veterans in the United States, and the US Armed Forces discharged an estimated 100,000

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military members due to their sexual orientation to date.¹² LGBTQ+ veterans who have dutifully served their country deserve the recognition and rights, benefits, and privileges of their non-LGBTQ+ counterparts. Dishonorable discharge based on an individual's sexual orientation or gender identity is discrimination based on sex and sexual orientation. This bill aims to prevent future discrimination and repair harm to LGBTQ+ veterans who have had to endure homophobic and transphobic military policies.

HB 1380 aligns with federal policies ensuring fair, equal treatment of LGBTQ service members and veterans. In 2011, the United States repealed the “Don’t Ask, Don’t Tell” policy, allowing openly gay people to serve in the military without punishment.³ Additionally, in 2021, the Department of Veterans Affairs (VA) announced that LGBTQ+ veterans dishonorably discharged due to their sexual orientation, gender identity, or HIV status are permitted full VA benefits, rights, and privileges of honorable discharge.⁴ As Kayla Williams, Assistant Secretary for Public Affairs for the VA, aptly stated, “LGBTQ+ Veterans are not any less worthy of the care and services that all Veterans earn through their service, and VA is committed to making sure that they have equal access to those services.” = This bill affirms the VA’s policies regarding the benefits, rights, and privileges of LGBTQ+ veterans.

Finally, instating honorable discharge for LGBTQ+ veterans dishonorably discharged due to their sexual orientation or gender identity restores the dignity and honor of LGBTQ+ veterans. This bill provides healing for LGBTQ+ veterans exposed to homophobic and transphobic policies of the past and fairly recognizes their service to their country. It also ensures that current and future LGBTQ+ service members will not face discrimination based on their sexual orientation and gender identity during the discharge processes, protecting the rights of all LGBTQ+ people who serve in the military – present, past, and future.

¹ *LGBT Veterans*. (n.d.). DAV. <https://www.dav.org/veterans/resources/lgbt-veterans/>

² Cohen, L. (2021, September 21). *LGBTQ veterans discharged for their gender identity or sexual orientation to receive VA benefits*. CBS News. <https://www.cbsnews.com/news/lgbtq-veterans-discharged-gender-identity-sexual-orientation-va-benefits/>

³ Lee, J. (2010, December 22). *The President Signs Repeal of “Don’t Ask Don’t Tell”: “Out of Many, We Are One.”* The White House. <https://obamawhitehouse.archives.gov/blog/2010/12/22/president-signs-repeal-dont-ask-dont-tell-out-many-we-are-one>

⁴ Williams, K. (2021, September 20). Tenth anniversary of the repeal of Don’t Ask, Don’t Tell. *VAntage Point*. <https://blogs.va.gov/VAntage/94920/tenth-anniversary-of-the-repeal-of-dont-ask-dont-tell/>

For these reasons, FreeState Justice urges a favorable report on House Bill 1380.

Thank you for the opportunity to testify on this critical legislation. Please do not hesitate to reach out if we can be of any further assistance.

Best,



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